

## Annual Newsletter

April, 2002

### *Message from the Chair*

*Advertising containing unrealistic product claims, potentially misleading qualification references and disparaging references towards allied health care colleagues are routinely brought to the Board's attention. In determining whether or not a particular advertisement is a violation we often refer to these specific parts of the Regulations:*

*10.41.02(6) "Contain representations or implications that in reasonable probability can be expected to cause an ordinarily prudent person to misunderstand or be deceived."*

*10.41.02(8) "Falsely disparage competitors, competitors products or the competitors methods of doing business."*

*Before you run an advertisement, ask yourself if it would fall under one of the above categories when read by the general public. By doing this test, you will greatly reduce the risk of violating the rules and you will have better, more effective results! Claims that sound too good to be true will not attract many of today's savvy prospects. By referring negatively to competitors, we tarnish our entire profession's image. While image may not be everything, we all know it is a major part of why only 20% of the people who need our products and services have sought help.*

**(Continued on Page 2)**

### **Board Web Site**

The Board's Web Site is now active! The address is [www.mdboardaudhadslp.org](http://www.mdboardaudhadslp.org).

The section for professionals contains **News from the Board** where the most recent changes to the law or regulations will be posted. Please check it often to stay up-to-date with changes that may affect you.

The **Questions and Answers Section** may address a concern you have and save you a call to the Board. The **Links Section** will connect you to the Board's law and regulations and to the web site for the professional associations, both state and national.

The **Forms Section** includes licensure forms, continuing education forms, lost license forms and complaint forms. These forms presently can be printed out and completed. In the next phase, the Board hopes to provide the ability to download them to be completed on-line.

The Board wants to make the Web Site as user friendly as possible. Please email any comments to the Board at [curtisb@dhmh.state.md.us](mailto:curtisb@dhmh.state.md.us). We want to hear from you.

## 2002 LEGISLATION

The following bills of interest to audiologists, hearing aid dispensers and speech-language pathologists were introduced in the past session of the General Assembly. Status of the bills is as of April 18, 2002.

### **H.B. 149      Sunset Extension – Board of AUD/HAD/SLP**

This bill will extend the termination date of the Board for 12 years to July, 2016 in accordance with the Maryland Program Evaluation Act (Sunset Law). The Sunset Review Report will require the Board to report to the General Assembly in October, 2002 on the status of the Board's efforts to establish electronic licensing and the impact of this effort on the Board's financial stability. H.B. 149 has gone to the Governor for signature.

### **S.B. 265 - State Government – Access for Persons with Limited English Proficiency**

This bill will require State Agencies to provide foreign language interpreters and translation of documents to languages other than English if the language is spoken by more than 3% of the population. As many of the Boards have an English Language Competency requirement in their statutes, applications for licensure have been exempted from the translation requirement. S.B. 265 has gone to the Governor for signature.

### **S.B. 323 – Budget Reconciliation and Financing Act of 2002**

This bill originally would have transferred \$26,175 from the Board's Special Fund to the General Fund for the State. These funds are needed to help the Board defray the cost of electronic verification and renewal of licenses. The bill was amended to restore the \$26,175 to the Board's Special Fund and has now gone to the Governor for signature. The Board would like to thank the MAA, MSHA and the Hearing Society of MD-DC-DEL for their support in having this legislation amended to restore the monies to the Board's Special Fund.

### ***Message from the Chair (Cont.)***

*On a more personal note, this past January marked my 23<sup>rd</sup> year as a licensed Hearing Aid Dispenser and my twelfth year as a Board Member. As I approach the end of my term on the Board this June, I'd like to thank all of the professionals I've served with and a special thanks to Bobby Curtis and her staff for all their hard work. It's been a privilege to work with the leading experts in their respective fields and I have learned a lot. And as an old friend, and former Board member used to have on his license plate: Ears to you!*

*A. D. Hagedorn, Jr., Chair*

### Medical Clearance

The Board has received an inquiry concerning when a medical clearance is required in dispensing hearing aids.

*How often must medical clearance be signed? If a patient, adult or child receives medical clearance for his initial set of hearing aids, then returns 5 years later for a second set, is a second clearance required if there is no change in hearing?*

In the case of a child, by law, medical clearance is required within 6 months of dispensing the hearing aid in all cases.

Although it is not clear if a hearing aid is replaced 5 years later with exactly the same make and model, whether medical clearance is required, the Board would urge you to err on the conservative side and require medical clearance for even a replacement aid over six months old. If the patient is over 18, he can sign a waiver of the medical clearance.

### Board Regulations

**Speech-Language Pathology Assistant Regulations** became effective April 1, 2002. See enclosed notice for details.

**Fee Regulations** – The Board has set the application fee and the renewal fee for SLP Assistants at \$100.00.

### Board Brochures

The brochure enclosed with the Newsletter is the first publication by the Board's Outreach Committee. If you would like additional copies for your office, please contact the Board office.

### MHCC User Fee

Regulations recently promulgated by the Maryland Health Care Commission will increase the number of health care practitioners who are assessed a user fee from 49,500 licensees to 115,200. The only exemptions from the user fee allowed under the new regulations will be for practitioners whose annual salaries are substantially below the average for all health care practitioners. This means that persons in Assistant level positions in most cases would not be assessed.

The **Good News** is that this is a much more equitable assessment and this large increase in the number of licensees assessed will mean that the user fee should remain at \$30 - \$34 every 2 years.

The **Bad News** is that beginning July, 2002, the fee will be assessed on audiologists and hearing aid dispensers when their licenses are renewed.

### Disciplinary Activities

**Mariam Chellappa (AUD)** – License remains suspended for failure to complete conditions of Order.

**Mary Ann King (HAD)** remains on probation for failure to complete final condition of Order.

17 complaints were received by the Board. Informal action was taken in five cases, including three monetary penalties ranging from \$100 to \$1,000. One case is under investigation by the Board.

### Regulatory Review

The Board is mandated by statute to review each of its existing regulations every eight years. The Board's Regulatory Review Committee has recommended several changes to update the regulations. Highlights of the recommendations include:

**Hearing Procedures** – Have been completely rewritten to include information on the complaint process and informal actions taken by the Board.

**Licensure and Continuing Education** - Recognizes Board Certification in Audiology by the American Board of Audiology as equivalent to ASHA CCC.

**Hearing Aid Dispenser Regulations** – Will waive the written and practical examinations for an applicant who is licensed in another state, holds NBC-HIS certification and has practiced 3 of last 5 years.

**All proposed changes to the Regulations will be posted on the Board's web site under Professionals, News from the Board.**

### Board Appointments

The terms of appointment for Mr. Tony Hagedorn and Dr. John Niparko will expire June 30, 2002. Mr. Hagedorn has served as a Hearing Aid Dispenser member of the Board since 1992 and has been Chair of the Board since September, 2001. Dr. Niparko has served as an otolaryngologist member of the Board since 1994. They have both been dedicated, valuable members of the Board. We will miss them as friends and colleagues and wish them well in their future endeavors. Ms. Carol Lynch's term also expires this June, but she is eligible for reappointment. Ms. Lynch has been a contributing Board member and the Board hopes that she will serve another term.

#### Board Members

		Term Expires
Anthony D. Hagedorn, Chair	Hearing Aid Dispenser	June 30, 2002
Iona Hutton-Johnson, Co-Chair	Speech-Language Pathologist	June 30, 2003
W. Stephen Seipp, Co-Chair	Audiologist	June 30, 2005
Caroline H. Aland, AuD, Treasurer	Audiologist	June 30, 2003
Timothy P. Creagan, Esquire	Consumer Member	June 30, 2005
Timothy L. Drake	Hearing Aid Dispenser	June 30, 2004
Carol Q. Lynch	Speech-Language Pathologist	June 30, 2002
John Kim Niparko, M.D.	Otolaryngologist	June 30, 2002
Robert Perkins	Hearing Aid Dispenser	June 30, 2004
Richard M. Robinson	Speech-Language Pathologist	June 30, 2004
Sharon W. Sorensen, AuD	Audiologist	June 30, 2004
Sandra Witt	Consumer Member	June 30, 2003

